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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS
LIABILITY LITIGATION

Case No. 2:15-CV-08320

MDL No. 2272
Hon. Rebecca Pallmeyer

This Applies To:

JUSTEEN WIDOFF,

Plaintiff,

vs.

ZIMMER, INC.; and DOES 1
through 10, inclusive,

Defendants.

**PLAINTIFF JUSTEEN WIDOFF'S
FIRST AMENDED COMPLAINT
FOR ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS LIABILITY
LITIGATION**

1. Strict Products Liability: Design Defect
2. Strict Products Liability: Failure to Warn
3. Strict Products Liability: Manufacturing Defect
4. Negligence
5. Negligent Misrepresentation
6. Breach of Express Warranty
7. Breach of Implied Warranty
8. Punitive Damages

DEMAND FOR JURY TRIAL

**PLAINTIFF'S AMENDED COMPLAINT FOR ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS LIABILITY LITIGATION**

Plaintiff incorporates by reference Plaintiffs' Master Long Form Complaint in In Re: Zimmer NexGen Knee Implant Products Liability Litigation, MDL 2272, filed as of January 12, 2012, as Document Number 211. Pursuant to an Order by the Honorable Rebecca Pallmeyer, the following Short Form Complaint is utilized in this action.

Plaintiff selects and indicates by checking off the appropriate spaces, those products and claims that are specific to his or her case. Where certain claims require specific pleadings or case specific pleadings or case specific facts and individual information, plaintiff shall add and include them herein.

1. Plaintiff, Justeen Widoff, states and brings this civil action before the Court for the United States District Court for the Northern District of Illinois as a related action in the matter entitled IN RE: ZIMMER NEXGEN KNEE IMPLANT PRODUCTS LIABILITY LITIGATION, MDL No. 2272. Plaintiff is filing this short form complaint as permitted and approved by Order of this Court, and adopts and incorporates by reference those allegations in the Plaintiffs' Master Long Form Complaint and any and all amendments thereto.

ALLEGATIONS AS TO JURISDICTION AND VENUE

2. This action is brought pursuant to 28 U.S.C. § 1332, as diversity of citizenship exists among and between the parties, and the amount in controversy exceeds \$75,000 exclusive of interests and costs.

3. Venue is proper in the Central District of California under 28 U.S.C. § 1391 as a substantial part of the events giving rise to this claim occurred within that District.

4. Plaintiff Justeen Widoff is a resident and citizen of California, County of Los Angeles, and claims damages as set forth below.

5. Plaintiff was born on August 25, 1937.

6. Pursuant to the Transfer Order filed on or about August 8, 2011, signed by Chairman of the Panel on Multidistrict Litigation, the Hon. John G. Heyburn, II, consolidating Zimmer NexGen Knee claims in the United States District Court, Northern District of Illinois, designated MDL No. 2272, (the “Multidistrict Case”). Plaintiff requests that this case be transferred to the Northern District of Illinois in conformity with such Order.

7. Pursuant to the Order of the Hon. Rebecca R. Pallmeyer, in the Multidistrict Case, Plaintiff files this Short Form Complaint, and attaches hereto, as Exhibit 1, a true and correct copy of the document entitled “Master Long Form Complaint and Jury Demand” filed on January 12, 2012 in MDL No. 2272 in the United States District Court, Northern District of Illinois, which document is incorporated herein by reference as if set forth at length.

ALLEGATIONS AS TO INJURIES

8. Plaintiff was implanted with a Zimmer NexGen® Knee device(s) on her right knee on or about January 6, 2012 at Good Samaritan Hospital by William T. Long, M.D.

9. Plaintiff suffered personal and economic injuries as a result of the implantation of the following Zimmer NexGen® Knee device(s):

_____	Zimmer NexGen LPS-Flex
_____	Zimmer NexGen CR-Flex
_____	Zimmer NexGen GSF LPS-Flex
___ X ___	Zimmer NexGen GSF CR-Flex
_____	Zimmer NexGen MIS Tibia
_____	Other Zimmer Device(s) (Attach separately allegations)

10. Plaintiff underwent a revision surgery with respect to the defective Zimmer NexGen® Knee device(s) on or about January 15, 2014 at Good Samaritan Hospital by William T. Long, M.D.

1 11. Plaintiff has suffered injuries as a result of implantation and
2 revision/explantation of the Zimmer NexGen® Knee device(s) manufactured by
3 defendants as described in the forthcoming Plaintiff's Fact Sheet and other
4 responsive documents in discovery provided to the defendants and/or obtained
5 by the defendants through Plaintiff's authorization and are incorporated by
6 reference herein.

7 12. At the time of implantation with the Zimmer NexGen® Knee
8 device(s), the plaintiff resided at 2190 W. Adams Blvd., Los Angeles, CA
9 90018.

10 13. The defendants by their actions or inactions, proximately caused
11 Plaintiff's injuries.

12 14. Plaintiff claims damages as a result of

13	<u> X </u>	injury to herself/himself
14	_____	injury to the person represented
15	_____	wrongful death
16	_____	survivorship action
17	<u> X </u>	economic loss
18	_____	loss of services
19	_____	loss of consortium

20 15. Neither Plaintiff nor her physicians, through the exercise of
21 reasonable diligence, could have detected the defective nature of the Zimmer
22 NexGen® Knee device any earlier than the evidence of loosening and/or other
23 indication for planned revision of the defective device(s), or as the facts dictate
24 and produced in discovery.

25 16. As a result of the injuries Plaintiff sustained, he/she is entitled to
26 recover compensatory damages for pain and suffering and emotional distress
27 and for economic loss as well as punitive damages.

28 17. Plaintiff's Zimmer NexGen® Flex Knee all poly patella device
bears catalog number 6972-61-32 and lot number 61769387; the tibial

component bears catalog number 5966-05-10 and lot number 61799634; and the femoral component bears catalog number 00-5750-017-02 and lot number 61846262.

ALLEGATIONS AS TO DEFENDANTS SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

18. The following claims and allegations are asserted by Plaintiff and are herein adopted by reference:

COUNT I – STRICT LIABILITY DESIGN DEFECT

_____ COUNT I (a) ZIMMER LPS-FLEX

_____ COUNT I (b) ZIMMER CR-FLEX

_____ COUNT I (c) ZIMMER GSF LPS-FLEX

X COUNT I (d) ZIMMER GSF CR-FLEX

_____ COUNT I (e) ZIMMER MIS TIBIAL COMPONENTS

_____ Other Counts for Strict Liability – Design Defect:

[ATTACH]

COUNT II – STRICT LIABILITY FAILURE TO WARN

_____ COUNT II (a) ZIMMER LPS-FLEX

_____ COUNT II (b) ZIMMER CR-FLEX

_____ COUNT II (c) ZIMMER GSF LPS-FLEX

X COUNT II (d) ZIMMER GSF CR-FLEX

_____ COUNT II (e) ZIMMER MIS TIBIAL COMPONENTS

_____ Other Counts for Strict Liability – Failure to Warn:

[ATTACH]

COUNT III – STRICT LIABILITY MANUFACTURING DEFECT

_____ COUNT III (a) ZIMMER LPS-FLEX

_____ COUNT III (b) ZIMMER CR-FLEX

_____ COUNT III (c) ZIMMER GSF LPS-FLEX

X COUNT III (d) ZIMMER GSF CR-FLEX

_____ COUNT III (e) ZIMMER MIS TIBIAL COMPONENTS

1 _____ Other Counts for Strict Liability – Manufacturing Defect:
2 [ATTACH]

3 COUNT IV – NEGLIGENCE

4 _____ COUNT IV(a) ZIMMER LPS-FLEX

5 _____ COUNT IV (b) ZIMMER CR-FLEX

6 _____ COUNT IV (c) ZIMMER GSF LPS-FLEX

7 X COUNT IV (d) ZIMMER GSF CR-FLEX

8 _____ COUNT IV (e) ZIMMER MIS TIBIAL COMPONENTS

9 _____ Other Counts for Negligence: [ATTACH]

10 COUNT V – NEGLIGENT MISREPRESENTATION

11 _____ COUNT V(a) ZIMMER LPS-FLEX

12 _____ COUNT V (b) ZIMMER CR-FLEX

13 _____ COUNT V (c) ZIMMER GSF LPS-FLEX

14 X COUNT V (d) ZIMMER GSF CR-FLEX

15 _____ COUNT V (e) ZIMMER MIS TIBIAL COMPONENTS

16 _____ Other Counts for Negligent Misrepresentation: [ATTACH]

17 COUNT VI – EXPRESS WARRANTY

18 _____ COUNT VI (a) ZIMMER LPS-FLEX

19 _____ COUNT VI (b) ZIMMER CR-FLEX

20 _____ COUNT VI (c) ZIMMER GSF LPS-FLEX

21 X COUNT VI (d) ZIMMER GSF CR-FLEX

22 _____ COUNT VI (e) ZIMMER MIS TIBIAL COMPONENTS

23 _____ Other Counts for Express Warranty: [ATTACH]

24 COUNT VI – BREACH OF EXPRESS WARRANTY

25 _____ COUNT VI (a) ZIMMER LPS-FLEX

26 _____ COUNT VI (b) ZIMMER CR-FLEX

27 _____ COUNT VI (c) ZIMMER GSF LPS-FLEX

28 X COUNT VI (d) ZIMMER GSF CR-FLEX

 _____ COUNT VI (e) ZIMMER MIS TIBIAL COMPONENTS

3. For all applicable statutory damages of the state whose laws will govern this action;
4. For an award of attorney's fees and costs;
5. For prejudgment interest and the costs of suit; and
6. For such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

DATED: September 30, 2016

BISNAR|CHASE

/s/ Tom Antunovich

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